

REMARKS

Applicant respectfully requests reconsideration of the above-identified patent application in view of the enclosed Declaration under 37 C.F.R. §1.131 and the remarks below. Pursuant to Rule 1.116(3)(e). Applicant submits that entry of this Response and the enclosed Rule 1.131 Declaration is proper since the Davis reference was relied upon to reject the claims for the first time in the outstanding final Office Action mailed on January 24, 2007. This clearly constitutes “good and sufficient reasons why the affidavit...was not earlier presented” under Rule 1.116. As the Davis reference is the only reference relied upon to reject the claims, the enclosed Rule 1.131 Declaration places the case in condition for allowance.

Claims 1-15 and 17-21 are pending in the application and are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,594,677 to Davis et al.

U.S. Patent No. 6,594,677 to Davis (hereinafter Davis) was filed on December 22, 2000 and received Application No. 09/747,457.

As evidenced in the enclosed Rule 1.131 Declaration, there was actual reduction to practice of the claimed invention prior to December 22, 2000, i.e., the Davis filing date. Accordingly, the rejection under §102(e) over Davis should be withdrawn.

Accordingly, Applicant respectfully submits that the present application is condition for allowance and requests a notice of allowance for pending claims 1-15 and 17-21.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

Applicant does not acquiesce to any assertion made by the Examiner that is not specifically addressed herein.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Respectfully submitted,

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